

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

CHAPTER 654

H.P. 1180 - L.D. 1603

**An Act to Expand Family Life
Education Services in Maine Schools****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 22 MRSA §1902, sub-§1-A** is enacted to read:**1-A. Comprehensive family life education.**

"Comprehensive family life education" means education in kindergarten to grade 12 regarding human development and sexuality, including education on family planning and sexually transmitted diseases, that is medically accurate and age appropriate; that respects community values and encourages parental communication; that develops skills in communication, decision making and conflict resolution; that contributes to healthy relationships; that promotes responsible sexual behavior with an emphasis on abstinence; that addresses the use of contraception; that promotes individual responsibility and involvement regarding sexuality; and that teaches skills for responsible decision making regarding sexuality.

Sec. 2. 22 MRSA §§1910 and 1911 are enacted to read:**§1910. Comprehensive family life education services**

The commissioner shall undertake initiatives to implement effective, comprehensive family life education services. In providing such services, the commissioner shall contract with local family planning programs to provide:

1. Training. Training for teachers, parents and community members in the development and implementation of comprehensive family life education curriculum and in planning for an evaluation component as part of comprehensive school health education;

2. Staff. Resource staff persons to provide expert training, curriculum development and implementation and evaluation services on a statewide basis;

3. Forums. Funding to promote and coordinate community and youth forums in communities identified as having high needs for comprehensive family life education;

4. Issue management; policy development training. Funding for issue management and policy development training for school boards, superintendents, principals and administrators across the State; and

5. Recognition of performance. Funding for grants to school-based comprehensive family life education programs to recognize outstanding performance and share strategies for success.

§1911. Parental option

To the extent that comprehensive family life education takes place in a school, a parent may choose to not have that parent's child participate in a comprehensive family life education program.

See title page for effective date.

CHAPTER 655

S.P. 721 - L.D. 1923

**An Act to Amend Maine's Wild
Turkey Hunting Season**

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the lottery for hunting wild turkeys contained in this legislation must take effect prior to the start of this year's wild turkey season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 12 MRSA §7468, sub-§1,** as enacted by PL 1985, c. 95, §1, is repealed.**Sec. 2. 12 MRSA §7468, sub-§1-A** is enacted to read:

1-A. Authority of commissioner. The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of birds to be harvested, establish bag limits, establish permit eligibility requirements, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource.

Sec. 3. 12 MRSA §7468, sub-§2, as enacted by PL 1985, c. 95, §1, is repealed.

Sec. 4. 12 MRSA §7468, sub-§3, as amended by PL 2001, c. 56, §1, is repealed.

Sec. 5. 12 MRSA §7468, sub-§4, as amended by PL 2001, c. 6, §1, is further amended to read:

4. Wild turkey hunting permits. ~~The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. The fee for a wild turkey hunting permit is \$10 for residents and \$40 for nonresidents and aliens. When a public chance drawing is utilized to allocate permits, any Maine resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the wild turkey hunting season is eligible to apply for a wild turkey hunting permit.~~ The percentage of total wild turkey permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that the person possesses:

A. A valid Maine hunting license, if the person is a resident of the State; or

B. A valid Maine big game hunting license, if the person is a nonresident or alien.

An adult who holds a valid wild turkey permit may transfer the permit to a junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then return the permit to the department prior to the start of the turkey season. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee to hunt turkey. If the adult transfers the permit to the junior hunter or person 65 years of age or older, that adult is prohibited from hunting turkey.

Sec. 6. 12 MRSA §7468, sub-§5, as amended by PL 2001, c. 56, §1, is repealed.

Sec. 7. 12 MRSA §7468, sub-§6, as amended by PL 2001, c. 294, §4, is further amended to read:

6. Application procedure. ~~Eligible~~ If wild turkey permits are issued by public chance drawing, persons wishing to apply for a permit shall apply in a manner prescribed by the commissioner. The application must be accompanied by an application fee of \$5 for residents and \$10 for nonresidents and aliens.

~~The application fee may not be refunded. No person may file more than one application. Any person who submits more than one application is disqualified from the selection of permittees.~~

Sec. 8. 12 MRSA §7468, sub-§7, as amended by PL 2001, c. 56, §2, is repealed.

Sec. 9. 12 MRSA §7468, sub-§§8 and 11, as enacted by PL 1985, c. 95, §1, are repealed.

Sec. 10. 12 MRSA §7468, sub-§12, as amended by PL 2001, c. 56, §3, is repealed.

Sec. 11. 12 MRSA §7469, sub-§10, ¶B, as enacted by PL 1985, c. 95, §1, is repealed.

Sec. 12. 12 MRSA §7469, sub-§11, as enacted by PL 1985, c. 95, §1, is repealed.

Sec. 13. 12 MRSA c. 709, sub-c. IV is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER IV

ANIMALS OR WILD TURKEY CAUSING DAMAGE OR NUISANCE

Sec. 14. 12 MRSA §7501, as amended by PL 2001, c. 199, §1, is further amended to read:

§7501. Attacking domestic animals or destroying property

Except as provided in sections 7502 and 7504, any person may lawfully kill, or cause to be killed, any wild animal or wild turkey, night or day, found in the act of attacking, worrying or wounding that person's domestic animals or domestic birds or destroying that person's property. Any person who kills a wild animal or wild turkey by authority of this section shall report the incident to the Maine Warden Service as provided in section 7502, subsections 3 and 4.

Sec. 15. 12 MRSA §7502, as amended by PL 2001, c. 199, §2, is further amended to read:

§7502. Damage to crops or orchards

1. Permission to kill nuisance animals or wild turkeys. Except as provided in section 7504, the cultivator, owner, mortgagee or keeper of any orchard or growing crop, except all types of grasses, clover and grain fields, may take or kill wild animals or wild turkeys night or day when the wild animals or wild turkeys are located within the orchard or crop where substantial damage caused by the wild animal or wild turkey to the orchard or crop is occurring. For purposes of this section, corn is not considered grain.

2. Employment of agents. When a person wants to employ someone outside of that person's immediate family to take or kill wild animals or wild turkeys, that person shall contact a game warden. If the warden is satisfied that substantial damage is occurring, the warden may arrange for a department agent to alleviate the damage, when an agent is not available, may authorize a person who is knowledgeable and can perform the work in a reasonable, safe and proficient manner. Permission to take or kill wild animals or wild turkeys may not be granted to any person whose license to hunt has been revoked or suspended, who is an habitual violator as defined in section 7001, subsection 13-A or who has been convicted of night hunting within the past 5 years.

3. Report to Maine Warden Service; dressing of carcass. The person by whom or under whose direction the wild animal or wild turkey is wounded, taken or killed under this section shall:

A. Within 12 hours, report all the facts relative to the act to the Maine Warden Service, stating the time and place of the wounding, taking or killing; and

B. In all cases of deer, bear ~~or~~, moose or wild turkey, immediately and properly dress the carcass or carcasses and care for the meat.

4. Warden's certificate. A game warden shall investigate an incident under this section as soon as possible and, if the game warden is satisfied that the wild animal or wild turkey was taken as provided in this section, give the person who killed the wild animal or wild turkey a certificate that entitles the cultivator, owner, mortgagee or keeper of the orchard or growing crop to own the carcass or carcasses, to be possessed and consumed only within the immediate family of the cultivator, owner, mortgagee or keeper of the orchard or growing crop, or, in accordance with the labeling requirements for possession of deer, bear ~~or~~, moose or wild turkey, to transfer possession of those wild animals or wild turkeys to another person. Any excess carcasses after the first 2 carcasses of deer, bear ~~or~~, moose or wild turkey killed or taken under subsection 1 or 2 must be distributed to recipients authorized through the Hungry Program established in section 7481 or as otherwise authorized by the game warden.

Sec. 16. 12 MRSA §7503, sub-§2, as amended by PL 1991, c. 443, §27, is further amended to read:

2. Deer, moose, bear or wild turkey.

A. The operator or owner having knowledge of any motor vehicle which has been involved in an accidental collision with a deer, moose ~~or~~, bear

or wild turkey shall, by the quickest means, report the accident to a law enforcement officer.

B. The officer shall investigate and, if the officer finds that the motor vehicle has encountered apparent damage as the result of the collision, shall give a certificate which entitles the person to the ownership of the carcass. The person may then take possession and immediately remove the entire carcass from the scene of the collision.

Sec. 17. 12 MRSA §7504, sub-§3, as amended by PL 1993, c. 574, §25, is further amended to read:

3. Birds. Wild birds, with the exception of rock doves and wild turkeys, may not be taken or killed under sections 7501 and 7502.

Sec. 18. 12 MRSA §7901-A, sub-§6, ¶C, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

C. Chapter 709, subchapter III violations:

(1) Hunting or trapping bear near dumps as described in section 7452, subsection 5;

(2) Leaving a bear as described in section 7452, subsection 8;

(3) Failure to attach a bear tag to a bear as described in section 7452, subsection 11;

(4) Illegally transporting bear as described in section 7452, subsection 13;

(5) Transporting bear out of the State as described in section 7452, subsection 14;

(6) Hunting migratory game birds without certification as described in section 7456, subsection 1-A;

(7) Hunting waterfowl on Haley Pond as described in section 7456, subsection 2;

(8) Transporting deer out of the State as described in section 7458, subsection 12;

(9) Hunting deer with .22 caliber rim fire cartridge as described in section 7458, subsection 13;

(10) Use of firearm in the Town of Southport as described in section 7458, subsection 14;

(11) Transporting wild hares or rabbits out of the State as described in section 7462, subsection 3;

- (12) Possessing or transporting wild hares or rabbits as described in section 7462, subsection 4;
- (13) Failure to attach a moose tag to a moose as described in section 7464, subsection 6;
- (14) Use of illegal firearms as described in section 7464, subsection 8-A;
- (15) Illegal hunting methods as described in section 7464, subsection 8-C;
- (16) Failure to attach a wild turkey tag to a wild turkey as described in section 7469, subsection 7; and
- ~~(17) Use of illegal weapons or ammunition as described in section 7469, subsection 11; and~~
- (18) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;

Sec. 19. Appropriations and allocations.

The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Savings Fund Program

Initiative: Appropriates funds to be used only to avoid future fee increases.

General Fund	2001-02	2002-03
All Other	\$0	\$98,100

Sec. 20. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 7468, subsection 4 takes effect July 1, 2002, and that section that repeals Title 12, section 7469, subsection 11 takes effect June 5, 2002.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 10, 2002, unless otherwise indicated.

CHAPTER 656

S.P. 719 - L.D. 1921

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1661, as amended by PL 2001, c. 373, §2, is repealed and the following enacted in its place:

§1661. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Mercury-added product. "Mercury-added product" means any of the following items if it contains mercury added during manufacture:

- A. A thermostat or thermometer;
- B. A switch or other device, individually or as part of another product, used to measure, control or regulate gas, other fluids or electricity;
- C. A medical or scientific instrument;
- D. An electric relay or other electrical device; and
- E. A lamp.

2. Mercury headlamp. "Mercury headlamp" is a mercury-added lamp that is mounted on the front of a motor vehicle to illuminate the roadway.

3. Mercury light switch. "Mercury light switch" means a mercury switch used for the purpose of turning a light bulb or lamp on and off.

4. Mercury switch. "Mercury switch" means a mercury-added product that uses a liquid pool of mercury to measure, control or regulate the flow of gas, other fluids or electricity.

5. Motor vehicle component. "Motor vehicle component" means a mercury-added product that is a component in a motor vehicle. "Motor vehicle component" includes, but is not limited to, a mercury headlamp, a mercury light switch and a mercury switch in antilock braking systems.

Sec. 2. 38 MRSA §1665, as amended by PL 2001, c. 373, §4, is repealed.

Sec. 3. 38 MRSA §1665-A is enacted to read:

§1665-A. Motor vehicle components

Notwithstanding sections 1663 and 1664, this section applies to a mercury-added product that is a motor vehicle component.

1. Prohibition on sale of new motor vehicles with mercury switches. A person may not sell a